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Mr. G. Harisarvottama Rao :—" I second it."

The motion was put and carried.

V

THE JAIN SUCCESSION BILL.

* Mr. K. R. Karant :—" Sir, I beg to introduce the Jain Succession Bill [a] and move that it be read in Council. I shall briefly state the main object and principle underlying this Bill. The Bill has been published as also the Statement of Objects and Reasons. As it will be evident from the Statement of Objects and Reasons, the Jains in South Kanara, consisting of about 9,000 persons, are governed by what is known as the Aliyasantana law, whereas Jains in the rest of India are governed by the ordinary Hindu law. They are mostly landlords. Even among the Jains in South Kanara the priestly class is governed by the ordinary Hindu law as also some leading families of whom I might mention Mr. Dharmastala Heggade who was a Member of the last Council. The Jains in South Kanara have found that this kind of succession, viz., Aliyasantana system by which the property goes to sisters and sisters' children, is not a very satisfactory system. For very many years they have been agitating and requesting the Government to introduce some legislation by which they might be governed by the ordinary Hindu law and that they might be brought into line with Jains in other parts of India. Memorials signed by many leading Jain citizens in that district were sent to the Government as early as 1918 and I might just read only one or two portions of the memorial as I do not wish to take much time of the Council. The memorial says: 'The Jain community has been holding conferences in this Presidency during the last six years with a view to concert measures for the advancement of the social, material and the spiritual progress of the community. Some steps have been taken to promote the education and knowledge of the community and it has been recognized in the country that the Aliyasantana system governing a large section of the community in South Kanara is a curse and a serious stumbling block to the path of progress.' Lastly, the memorialists wind up by requesting His Excellency the Governor as follows :—'Your Excellency's memorialists therefore humbly and respectfully pray that Your Excellency's Government may, on a gracious consideration of the facts and circumstances stated above, be pleased to take on hand some legislative measure which will bring the Jain community in South Kanara now following the Aliyasantana rules of succession within the operation of the ordinary Hindu law.' On this memorial the Government were pleased to obtain the opinion of the District Judge of South Kanara, of the Advocate-General and of the Judges of the High Court who all viewed this favourably and a G.O. No. 944, Judicial, Home Department, dated 29th April 1919, was passed to the folowing effect :—' The Government have consulted the hon. Judges of the High Court, the District Judges of South Kanara and the Advocate-General on the subject of the memorial submitted by the Jains of South Kanara and copies of the opinions received in reply are forwarded to the Collector of South Kanara for communication to the memorialists and Mr. Sadasiva Bhat. The Collector is requested to inform the memorialists that the Government, as at present advised, will not oppose the introduction, by a non-official Member in the Legislative Council, of a Bill to give effect to the general wishes of the com-

12-45 p.m.

[a] Published in the *Fort St. George Gazette*, dated 20th September 1927, as Bill No. 17 of 1927.

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munity.' In accordance with this, during the latter part of the last Council Mr. Dharmastala Heggade, who was a representative of the Jains in the last Council, obtained leave of the Council to introduce the very Bill which I have now brought forward before this Council. The Bill and the Statement of Objects and Reasons excepting a very small portion at the end are a copy exactly of his Bill and Statement of Objects and Reasons. It is the wish of the community unanimously in South Kanara that this Bill should be passed. As regards the Bill itself, it is almost a copy, verbatim, of the Mappilla Succession Act (Act I of 1918). If hon. Members will be pleased to see that Act, it will be found that in a very similar case the Government passed legislation that in the case of persons who die intestate, the self-acquired properties should go to their heirs as under the Muhammadan Law. Under the present Bill what is proposed is not to revolutionise the whole Aliyasantana law. This Bill introduces the least possible change in the existing system. It affects only the last surviving members of a family. If they die intestate or in the case of members who have got self-acquired properties, the Bill says that those properties shall descend to their children or to their heirs as under Mitakshara law and not to their sisters and sisters' children as it is at present. I do not wish to take more of the time of the Council. I regret there is not even a single Member in this Council who represents Jains. I hope the Council will pass the first reading of this Bill."

Mr. Basheer Ahmad Sayeed :—"I second this motion."

The hon. the President :—"It has been moved and seconded that the Jain Succession Bill be read in the Council."

Diwan Bahadur M. Krishnan Nayar :—"Sir, I think there will be considerable difficulty in supporting the measure of my hon. Friend, Mr. Karant. I associate myself with him in his observation that it is a matter of regret that in this Council there is no member of the community that will be affected by this legislation. My hon. Friend has introduced the Bill for a change in the line of succession amongst the Jains who, according to him, form 9,000 of the population in the district of South Kanara. I think that a social legislation like this should be introduced by a member of the community that will be affected by the legislation. I made some enquiries of my hon. Friends from South Kanara district as to whether at the time of the elections to this Council there was any mandate given by the electorate to the members who have been sent up to this Council to introduce legislation of this kind. I am told that this was not one of the planks in the election platform."

Mr. K. R. Karant :—"Question."

Diwan Bahadur M. Krishnan Nayar :—"I was given this information by a gentleman coming from South Kanara, who is also a Member of this Council. There is thus no mandate to my hon. Friend, Mr. Karant, for introducing legislation of this kind. Seeing that it is a matter of social legislation and seeing also that there is no member of the community that will be affected by it in the Council, I would not oppose the Bill if the Government themselves introduced it, because the Government have a responsibility in the matter. The Government are not introducing this measure. From the extract of the Government Order which my hon. Friend has read—the Government Order was issued long ago—it is seen that the Government did not propose to introduce such a legislation. If the Government take the responsibility of acceding to the request of my hon. Friend and if they are prepared to vote in favour of

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this measure, this part of my objection will not prevail. It seems to me that the Government themselves are not prepared to take the responsibility upon their shoulders of introducing a legislation of this kind; and there is no member of the community that is affected by the Bill in this Council. These are my preliminary objections to this measure.

"Going deeper into the matter, I find serious difficulties. What is sought to be introduced by this legislation is a change in the law of succession, only in respect of portions of properties and not in respect of all properties owned by families. What this Bill seeks to introduce is to make self-acquired properties descend to the heirs under the Mitakshara system, leaving untouched the succession of family properties or what are called tarwad properties. If this legislation becomes law, what will be the effect? In the same family there will be two systems of inheritance, viz., the system of Aliyasanthana so far as family properties are concerned and the system of Mitakshara law so far as self-acquired properties are concerned. I think that the provisions of this Bill will introduce considerable complications.

"Then there is another difficulty. What my hon. Friend has aimed at is the introduction of the Mitakshara Hindu law into the Aliyasantana system. We know that the Mitakshara system of Hindu law does not recognize the rights of women to properties. If this Bill becomes law, if a man who owns private property dies leaving a widow and daughters, the widow will have no right to the property and the daughters also will have no right except the right to enjoy the properties during their lifetime. That is against the fundamental principle of the Aliyasantana law. Aliyasantana system like Marumakkattayam law recognizes the rights of females to properties. According to the Aliyasantana system, the right of females is superior even to that of the males. Marumakkatayam system and the Aliyasantana system are the same with this difference. Under the Marumakkattayam system, only the eldest male members of the family are entitled to manage the property. Under the Aliyasantana system, the eldest member of the family, whether it be a male or a female, is entitled to manage the property. If my hon. Friend's Bill becomes law, widows and daughters and female issue of persons who die intestate will have no right whatever to inherit self-acquired properties. That, I submit, will be making a serious inroad into the principles governing the people. If my Friend had come forward with the proposal that if any 1 p.m. person having self-acquired property dies intestate, his property would go to his wife and children, I would have had no objection. But that is not what he says. He wants to ignore the rights of women to such property. That goes to the root of the matter.

"Then my Friend says that permission was granted by this Council to Mr. Heggade to introduce an identical Bill. It has become the practice and convention in this Council to give leave to introduce any measure, however vicious the measure may be; so that the fact that such leave to introduce the Bill was given does not show that the Bill has the approval of this Council. So, for these reasons, namely, that this a matter of social legislation, that no member of the community which is affected by this Bill is a member of this Council now, that the Government are not prepared to take up the responsibility of accepting this measure and that by the acceptance by this Council of this measure two systems of inheritance, viz., the, Mitakshara law and the Aliyasantana law, will exist in the same family, and lastly that this Bill is against the basic principles of the Aliyasantana law, namely, that women

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also have a right to the property, for all these reasons I submit that this Council will not be well advised in accepting this motion."

*Mr K. MADHAVAN NAYAR :—" Sir, I have great pleasure in supporting my Friend Mr. Karant. Sir, the objections raised by my Friend Mr. Krishnan Nayar do not carry conviction He says that there is no member of the Jain community in this House and that the Bill ought to be properly introduced by a member of the Jain community. Sir, there is no member of the Jain community in this House now and it is likely that the next Council also may not have any member of the Jain community. For several years to come it may so happen that this House contains no representative of the Jain community. The Government are not bringing forward any measure to remedy the evils which the Jain community is labouring under in South Kanara. Under these circumstances, the objection that this Bill is introduced by one who is no member of that community seems to me puerile.

"Further, Sir, Mr. Karant in his speech said that his Bill is practically a copy of the Bill that was introduced in this Council by a member of the Jain community who hailed from South Kanara last time into this Council. The very fact that he does not bring a new Bill but adopts a Bill which has been drafted by a member of the Jain community affords an almost complete answer to the objection of Mr. Krishnan Nayar that the Bill is not brought forward by a member of the Jain community.

"Then, Sir, my Friend Mr. Krishnan Nayar stated that if the Government had introduced the Bill he would have thought that it was coming from a responsible quarter. Mr. Krishnan Nayar is incapable of making any insinuations against any person, and I do not think he has intended to convey any insinuation by this statement also, though the literal meaning of what he stated is certainly not complimentary to the hon. Members of this House. I submit, Sir, that any Member of this House has as much responsibility to the country as any Member of the Government. I may even go farther and say that an elected Member of this House is more responsible to the people of this province than all the Members of the Government put together, because the present system of Government is not responsible to the people at all. I therefore submit, Sir, that since a responsible representative of South Kanara, where the community for whom the Bill is intended resides, has brought forward this Bill in this Council, it must not be rejected because it does not come from the Government or from a member of the Jain community.

"One of the objections on the merits of the Bill advanced by my Friend Mr. Krishnan Nayar was this, that it will introduce two systems of law into the same family. I ask Mr. Krishnan Nayar whether two systems do not at present obtain among the Nayars in Travancore and Cochin so far as self-acquired properties of the members of Nayar tarwads are concerned. The introduction of any such system among the Jain community in South Kanara can therefore certainly not be deemed absurd. I therefore submit that that argument of my Friend Mr. Krishnan Nayar has also to be rejected.

"Mr. Krishnan Nayar's next argument is that the widow will be excluded altogether. I do not propose to go into that question, nor do I feel competent to pronounce an opinion on that point. But when the Bill is referred to the Select Committee and considered there, such portions of the Bill as are repugnant to justice may be expunged and such provisions as are beneficial to the community accepted.

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"I hope, Sir, therefore that the House will support Mr. Karant's Bill and reject the arguments advanced by my friend Diwan Bahadur Krishnan Nayar."

*Mahmud Schamnad Sahib Bahadur:—"Sir, I rise to support the introduction of the Bill. Mr. Krishnan Nayar said that no member of the Jain community is in this Council and that we do not know what the feeling of the community is, whether it is for or against the Bill. But from what Mr. Karant says it will be seen that the Collector of South Kanara made enquiries and consulted the leading members of the Jain community and found that all of them were unanimous in their opinion that such a Bill is quite necessary. Added to that is the fact that a member of the very community had brought a similar Bill in the last Council, and that goes to show that there can be no objection to the introduction of the Bill as brought by Mr. Karant.

"As regards the objection that there will be two systems in the same family, the Bill is said to be framed on the same principles as the Mappilla Succession Act. There are two systems of inheritance in the Mappilla community also. The self-acquired property of the members of the Mappilla community are governed by the Muhammadan law of inheritance in accordance with this Act whereas the tarwad or family property is governed by the Marumakkattayam law. Therefore, I think, this argument cannot hold good. Mr. Krishnan Nayar also said that the widow or wife and children of the male member will be excluded from inheritance according to the Bill. But, as pointed out by the last speaker, this can be remedied when the Bill goes to the Select Committee. With these observations, Sir, I support Mr. Karant's Bill."

Mr. K. V. R. Swami:—"Sir, I regret I cannot concur with the valuable arguments of my hon. Friend Mr. Krishnan Nayar. Of course it is true that this Bill has not been proposed by a member of the Jain community. But unfortunately there is no such member at present in this Council. I cannot agree with Mr. Krishnan Nayar in thinking that unless a Bill of this kind is moved by a member of that community it should not be taken up and considered. As far as this Bill is concerned, it was already moved by a member of that community in the last Council. This community consists of only 9,000 persons and it cannot be hoped that at any time a member of that community would be in this Council. It is not a compliment to the hon. Members of this House to say that they cannot represent any community other than that to which they belong, and I feel that a member of any community would be in a fit position to propose a Bill of this sort.

"Now, Sir, there are certain objections, as the hon. Diwan Bahadur Krishnan Nayar put it, to certain portions of the Bill. One is that there will be two systems of law governing property in the same community. This objection ought to be taken at the Select Committee stage and considered by that Committee, but not now. If the Bill is now rejected and if the community really wants such a change, it will be at a great disadvantage. This Bill has been before the country long enough to make the members of that community aware of the changes that are proposed in it. If really there are any objections to this Bill, we would have received mahazars or the other Members would have been instructed by members of that community to oppose this Bill. We have not come across any such movement by the community itself. That shows that the community welcomes a measure of this kind. If a majority of the members of the community or even an appreciable minority is

against the Bill, I feel that my hon. Friend, Mr. Karant, would be the last man, representing as he does the constituency of South Kanara, to bring forward this Bill. Therefore, Sir, for all these reasons I support the motion of Mr. Karant and I request you all to support it, so that it might go before the Select Committee where the various views may be represented and considered and the Bill sent to us again."

* Mr. A. B. Shetty :—" Mr. President, while I am in complete agreement with the objects of the Bill and I sympathise with the desire of the Jains of South Kanara to come into line with their co-religionists in the rest of India, I am not sure that the Bill, as it stands, goes far towards achieving this object. This Bill apparently aims at introducing gradually the system of the Hindu Law of inheritance among the Aliyasantana Jains of South Kanara. Let us examine the Bill with reference to this object. The great majority of Jain family or tarwad properties will continue to be held and enjoyed under the Aliyasantana system even after this Bill comes into operation, because, as the explanation to clause 4 shows the tarwad properties will not be affected by this Bill except in cases in which the family becomes reduced to a single individual and he dies intestate. Such cases must necessarily be few and far between. Self-acquired properties to which this Bill is applicable can and will bear only a very small ratio to the tarwad properties and even among these only the properties that are left undisposed of by will or testament will come under the Bill and these again will form only a small proportion of the self-acquisitions. It can, therefore, be safely said that the Bill does not provide a process by which the Aliyasantana Jains of South Kanara can hope to change the Law of inheritance into Hindu Law within a time however remote.

" As regards the aim of the Bill in bringing the Jains of South Kanara into line with their co-religionists elsewhere, all that the Bill does is to provide heirs out of the patriarchal group of relatives recognized by Hindu Law, but it does not go further and lay down that the property so inherited shall continue to be goverened by Hindu Law and in the absence of an express provision the courts of law may construe that such properties shall be governed by Aliyasantana Law. Then also the object of the Bill will have failed. There is another aspect of the Bill which has to be considered, even if an express provision is made in the Bill that property got by virtue of the Bill should be governed by Hindu Law. As already observed by Diwan Bahadur Krishnan Nayar, the Bill is trying to engraft Hindu Law on to Aliyasantana Law and these two systems of law are diametrically opposed to each other. In the case of property got by inheritance there will be no document to show how the property was originally acquired. So confusion may arise after the lapse of some time and both Hindu Law and Aliyasanta Law heirs may set up rival claims and fight, when a person dies leaving property. It will become difficult for strangers to deal with Jains, when they hold properties under two opposed systems of law.

1-15 p.m. " Another doubt I feel is whether the Bill provided for succession where the person concerned is a female. The expression used in clauses 4 and 5 is 'he.' No doubt, section 13 of the General Clauses Act lays down that words importing the masculine gender shall be taken to include the feminine but that section is said to apply only to Imperial Acts and Regulations. This is perhaps one of the reasons why in the Malabar Marriage Act a separate section, viz., section 24, is devoted to cover cases of succession to property left by a woman. Even supposing that in the Bill the expression 'he' includes 'she' the difficulty is not solved. Under Aliyasantana Law a woman is not under

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any disability with regard to ownership of property so that a female can inherit and possess separate property with full rights of ownership in the same way as a male. But under the Hindu Law a woman can generally have only a life estate and limited ownership. The question, therefore, arises how the last owner, if a female, is to be regarded under the Bill and who are to be her heirs. Is she to be taken as a Hindu Law female, and is her property to go to the heirs of the last full male owner? Or is she to be regarded as a full owner? This is a problem that will have to be solved.

"The Bill seems intended above all to serve the purpose of preventing properties becoming escheated to Government for lack of Aliyasantana heirs. There have been several unfortunate instances of extensive Jain properties lapsing to Government in South Kanara, even when the deceased persons left wives and children to whom they would have naturally wished the properties to go and the properties would have gone to them under any but the Aliyasanthana Law. This Bill will no doubt prevent such escheat. I know that the leading Jains in South Kanara are anxious to have legislation to provide for intestate succession. They may not be very particular that the Hindu Mitakshara Law of Inheritance alone should be made applicable to them. The Hindu Law is very complicated and the Mitakshara System of Inheritance is the least liberal form of it. It gives no place to woman. It makes her a mere object dependent upon man and eligible for nothing more than maintenance, whereas under Aliyasantana Law the position of woman is quite the contrary and she is all in all, having full ownership and every right which males enjoy. I think the Bill may well provide that the wife or husband as the case may be, and the children, sons as well as daughters, should inherit property in equal shares instead of introducing Hindu Law heirs who in some cases are distant and too far removed from near ties of relationship. The Bill may be referred to a Select Committee and the points I have raised may be considered and suitable amendments may be made."

* The hon. Mr. A. Y. G. Campbell :—"Mr. President, Sir, it is, I think, right that I should explain in a few words the attitude of the Government towards this Bill. As has been stated, this Bill is a piece of social legislation and affects a small community. At the present time the Government are not prepared actively to support the Bill, but at the same time they have no desire to oppose the introduction of the Bill if it is the wish of the House. If the Bill is introduced, the Government would support the proposal that it should be referred to a Select Committee. The Government would then endeavour to ensure that the provisions of the measure are made known to the persons likely to be affected by them and that the effect of the provisions is fully understood by them. The Government would then ascertain through their local officers whether there is any desire, and if so, to what extent, on the part of the members of this community that this measure as it stands or subject to certain amendments should be passed into law. After the reports are received, the Government would be in a position to determine whether they should support this measure subject, if necessary, to any amendments."

* Dr. B. S. Mallayya :—"Sir, I am really surprised at the attitude taken by the hon. Member from Malabar, Mr. Krishnan Nayar, who, I think, is governed by the same law as that of the Jains but yet is not prepared to change it for a natural system of law. For one thing, this system is really an unnatural one in so far as it divides one's own self-acquired properties among the children of the sister and not one's own children. We want the Jains who are still governed by this system—in fact, they are only a

minority of the whole community—to replace it by the natural system of inheritance according to which the self-acquired properties of a deceased owner would go to his own children. It is a healthy system and quite a natural one. It is the only system by which you can compel the children of a particular owner to take an interest in the family property. Nobody is going to be disinherited by this Bill. Each one is going to inherit his own father's property, self-acquired, and not that of his maternal uncle. Besides, Sir, I have been watching the whole community for the last forty years. And I have found they are forming a vicious circle around them. In the interests of their property they contract marriages among their nearest relations which produce an unhealthy type of children. The hon. Member, Mr. Krishnan Nayar, said that this Bill was not brought by Government. We have heard the hon. the Law Member who has said that the Government are indifferent and would support any measure provided it is agreeable and desired by the community. I have been there observing the Jains for the last thirty years and I have seen a lot of agitation by these men to get the present system replaced by a natural system of inheritance. There have been a few Jain members here. Mr. Raghuchandra Bellal was unfortunately a stranger to the English language and he had no following while my hon. Friends, Mr. Naganna Hegde and Mr. Manjayya Hegde, though they wanted to have this natural system, had no following, had no push in them and had not the energy sufficient enough to carry on the Bill through the House. In fact the Bill is introduced last session by Mr. Dharmastala Hegde and, though permission was given, unfortunately there was no time to carry it through. Now that an energetic young man from South Kanara, my hon. Friend, Mr. Karant, has taken the trouble at the request of the whole of the Jain community that are governed by this system in South Kanara to carry the Bill through, my hon. Friend, Mr. Krishnan Nayar, thinks of putting a drag on Mr. Karant. I will appeal to him to permit Mr. Karant to push his Bill through; and I will also assure him that a Bill will shortly be brought up to alter the same law also in Malabar. Mr. Krishnan Nayar will have plenty of time to oppose it then. Now it is a case of nearly about 9,000 Jains in South Kanara and I will request my hon. Friend to withdraw his objection and come into a line with us in supporting the measure."

* Mr. K. R. KARANT :—"Mr. President, Sir, I shall briefly reply to the various points raised by hon. Members. The first point that was raised was that I had no mandate from my constituents for bringing this Bill here. I may assure the hon. Member who made the statement that in a manifesto which I issued before the election, one of the points which I specifically mentioned was that if I were elected to the Council I would push on this Bill. My hon. Friend is quite at liberty to verify the fact. I may also say that in some of the election meetings which I had occasion to address, I did mention the fact and indeed the Government Order from which I made some quotations was given to me by the Jains. It is at their request that I have brought this Bill. And I can assure my hon. Friend from Malabar that this Bill has better sanction from the Jain community whom I represent here than his own Bill from the people of Malabar.

"Next, the objection was raised that there is going to be but a partial change and not a full change. I would very much like it—the younger men in the community would very much like it—if there were to be a complete change. But there is the question of vested interests. There are people who are *ejamans* of the families whose vested interests cannot now be affected. In

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the case of self-acquired properties where the owners die intestate the question of vested interests does not arise and the change in the system of inheritance could easily be effected.

"The question was raised that women under the Bill had no right. May I state in reply that when the proposal was made, when the Government Order was issued, whether the Jains should have the Indian Succession Act which gave more rights to women or the Hindu Law, the opinion was expressed that the law of succession should be on a line with Hindu Law which governed the rest of the community and they did not want the Indian Succession Act. In the last paragraph of the memorial they submitted, they pray that the Jain community in South Kanara now following the Aliyasantana rules of succession, should be brought within the operation of the ordinary Hindu Law. The opinion of Mr. Vibert, the then Collector of the district, reads thus:

'I have the honour to report that the matter has been fully discussed and there may be said to be a unanimous feeling in the community that the law as to the devolution of self-acquired property of persons dying intestate should be brought into conformity with the Hindu law.'

"That was also the opinion of the Advocate-General. He states:

'While I do not advise legislation on the lines of the Indian Succession Act for the Aliyasantana Jains or the enacting of any special table of inheritance for them, I am of opinion that as regards self-acquired or separate property, their law of succession should be assimilated to the law governing other communities of Jains in this Presidency as well as of other parts of India.'

"The other point that was raised is that under this Bill women will have no rights whereas under the Aliyasantana law, they would have many. But may I point out in reply that it very often happens that the wife and children of a member who dies intestate as the last male member of a family have very little even to live on. Even under the Hindu Law the wife has got a right of maintenance but even such a right is not given at present to the wife of a Jain member. There are several instances where the property escheats to the Government and the wife and children of the last owner are left to live in a miserable condition. And the present Bill confers more rights than those which are now enjoyed by the wife and children of the Jain owner who dies intestate.

"Other doubts have been raised by my hon. Friend from South Kanara. Those are matters which could very well be settled in the Select Committee.

"With these words, I commend the Bill for the acceptance of the House."

The motion that the Bill be read in Council was put and carried.

The Secretary then read the title of the Bill.

The Council then adjourned for lunch.

After Lunch (2-30 p.m.).

Mr. K. R. Karant :—"Mr. President, Sir, I beg to move that the Bill now read in the Council may be referred to a Select Committee consisting of the following gentlemen :—

1. Mr. S. Satyamurti.
2. Mr. J. A. Saldanha.
3. Dr. B. S. Mallayya.
4. Mr. K. Madhavan Nayar.
5. Rao Bahadur K. Sitarama Reddi.
6. Diwan Bahadur M. Krishnan Nayar.
7. Mr. A. B. Shetty.
8. Mr. T. R. Venkatarama Sastriyar.
9. The Law Member.
10. The hon. Dr. P. Subbarayan.
11. Mahmud Schamnad Sahib Bahadur.
12. Mr. K. R. Karant."

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Mr. Basheer Ahmad Sayeed :—"I second it."

The motion was put and carried.

VI

A BILL TO AMEND THE MALABAR WILLS ACT.

Mahmud Schamnad Sahib Bahadur :—"I beg to move for leave to introduce a Bill to amend the Malabar Wills Act."

Mr. K. R. Karant :—"I second it."

The motion was put and carried and the leave was granted.

VII

THE VILLAGE OFFICERS BILL.

* Mr. S. Muttayya Mudaliyar :—"Mr. President, Sir, I beg to introduce the Village Officers Bill [a] and move that it be read in Council. I need not say Mr. President, that more than three-fourths of the offices of village officers in the Province are hereditary. My Bill seeks to make hereditary those places in the districts where the offices are not hereditary. In the Statement of Objects and Reasons, I say two reasons which make me move this Bill. The first is that it is desirable that there should be uniformity of tenure of office throughout the Province and secondly it is desirable that the unhealthy scramble for office should be avoided. The Government have called for the opinion of the Board of Revenue which is after all the opinion of the various Collectors of the six districts affected by it, and four others in whose districts the appointments are already hereditary. The Board of Revenue in their letter to Government say that the majority opinion is against this Bill and that only one Collector, Mr. Ellis, is in favour of it. I am not quite sure of the analysis of this opinion. For I find that the Collector of the North Arcot district is in favour of it. But apart from this, some of the remarks made by the Collectors themselves seem to be very strong arguments in favour of it. I do not think I need read the whole of it. Anyhow I shall read a few. The Collector of Ramnad says: 'The ideal system is the selection of headmen, etc., on strict principles of heredity, always provided the candidates are properly qualified to do the work.' Of course, in paragraph 4 he says that by strict executive rules he would entirely obviate any unseemly scramble for vacancies. He seems to favour the principle of heredity. Then, Mr. Leach says that one of the Subdivisional Officers, Mr. Ramalingam, says: 'The holders of these offices regard them as stepping stones to other and more valuable appointments and do not display any personal interest and responsibility in their work which would be the case if the offices were placed on a hereditary basis.' Thus, the want of efficient men is falsified by this statement of Mr. Ramalingam who thinks that the more efficient men will try to use this as a stepping stone for other spheres. Mr. Shield who is against heredity says: It is open to the State to transfer property among its subjects at its will. This is one of the statements which he makes in his report. We really do not know if that is correctly grasping the question which he is asked to deal. This remark is rather curious and I do not think it is entitled to any weight. I suppose it is one to vitiate the whole opinion of Mr. Shield. So, two divisional officers are in favour of the principle of heredity

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